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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* China, Egypt,† Eritrea,† Venezuela (Bolivarian Republic of)‡: draft resolution

36/... The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of every human right,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Council and General Assembly resolutions on the right to development, the most recent Council resolution 33/14 of 29 September 2017 and Assembly resolution 71/192 of 19 December 2016,

Recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development,

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a convention on

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Group of Arab States.
‡ On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

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the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and *emphasizing* that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development provides a vital enabling environment for the full realization of the Sustainable Development Goals,

Recognizing that achieving the internationally agreed development goals, including the unmet Millennium Development Goals, the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all its forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Expressing concern about the increasing number of cases of human rights violations and abuses by some transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order, and the promotion and protection of all human rights and fundamental freedoms,

Noting the commitments declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to

[1] General Assembly resolution 70/1.

development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Encouraging all Member States to engage constructively in the discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development,

Affirming that the thirtieth anniversary of the Declaration on the Right to Development presented a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;[2]

2. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the United Nations High Commissioner for Human Rights, including on inter-agency coordination within the United Nations system that have direct relevance to the realization of the right to development, and to provide an analysis of its implementation, taking into account existing challenges and making recommendations on how to overcome them, in his next annual report;

3. *Urges* the High Commissioner to pursue his efforts, in fulfilment of his mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to

[2] A/HRC/36/25.

Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group;

4. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;

5. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;

6. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

7. *Welcomes* the celebrations held in 2016 to commemorate the thirtieth anniversary of the Declaration on the Right to Development, including the annual high-level panel discussion on human rights mainstreaming, with the theme "The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development", convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, accord the right to development the great attention it deserves and to redouble their efforts towards the realization of the right to development;

8. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its eighteenth session;[3]

9. *Further welcomes* the re-election of the Chair-Rapporteur of the Working Group and the skill with which he led the discussions at the eighteenth session;

10. *Notes* the presentation to the Working Group at its eighteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,[4] which is a useful basis for further deliberations on the implementation and realization of the right to development;

11. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;[5]

12. *Requests* the Working Group to finalize its consideration of the criteria and operational subcriteria as expeditiously as possible, preferably by no later than its nineteenth session;

[3] A/HRC/36/35.
[4] A/HRC/WG.2/17/2.
[5] A/HRC/WG.2/18/CRP.1.

13. *Acknowledges with appreciation* the proposal by the Non-Aligned Movement on a set of standards regarding the implementation and realization of the right to development[6] and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;[7]

14. *Requests* the High Commissioner to facilitate the participation of experts in the nineteenth session of the Working Group, to provide advice with a view to contributing to discussions on the implementation and realization of the right to development, including the implications of the 2030 Agenda for Sustainable Development, and looks forward to the possible engagement of the Working Group with the high-level political forum;

15. *Welcomes* the report of the Special Rapporteur on the right to development to the Human Rights Council,[8] and requests him to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

16. *Requests* the Special Rapporteur on the right to development to hold consultations with States and regional consultations on the implementation of the right to development, and requests the Office of the High Commissioner to assist the Special Rapporteur in the organization and holding of those consultations, including through the allocation of sufficient budgetary resources;

17. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and of the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the recommendations of the Working Group adopted at its eighteenth session;

(*c*) That the Working Group, taking into account Human Rights Council resolution 9/3, shall finalize consideration of the criteria and operational subcriteria, preferably no later than its nineteenth session, in relation to the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development, and shall take appropriate steps to ensure respect for the practical application of these standards, in order for them to evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(*d*) That the Working Group shall invite the Special Rapporteur, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its nineteenth session;

18. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group, and to cooperate

[6] A/HRC/WG.2/18/G/1.

[7] Contained in A/HRC/WG.2/18/CRP.1.

[8] A/HRC/36/49.

with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development.

19. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.